REMARKS

[0002]   Applicant respectfully requests entry of the following remarks and reconsideration of the subject application. Applicant respectfully requests entry of the amendments herein. The remarks and amendments should be entered under 37 C.F.R. §1.116 as they place the application in better form for appeal, or for resolution on the merits.

[0003]   Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1, 3-7, 9-11, 13-23, 25-27, 30-35, and 38-41 are presently pending. Claims amended herein are: 1, 17, 23, 30-33, 38, and 39. Claims withdrawn or cancelled herein are: 2, 8, 12, 24, 28-29, and 36-37.

Formal Request for an Interview

[0004]   If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant— so that we can talk about this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0005]   Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

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Claim Amendments

[0006]   Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 17, 23, 30-33, 38, and 39 herein.

[0007]   Independent claim 1 is amended to recite a method comprising, *inter alia*, "identifying one or more player-exploitable game conditions, wherein the player-exploitable game conditions are programming conditions, situations or aberrations produced within the game that give one or more cheating players an advantage without the cheating players hacking the game..." Support for the amendment can be found throughout the Application including, for example, the description wherein "[i]n this disclosure, the term "player-exploitable game conditions" describes a programming condition, situation, and/or aberration from a standard game and player that would give a cheating party an advantage over an honest player." (Specification at paragraph [0009]). It's also mentioned in the Application as follows (Emphasis added):

"Exploiting each of the player-exploitable game conditions described in this disclosure (as well as other player-exploitable game conditions) gives certain players an unfair advantage by allowing them to advance within the game much faster than players who aren't exploiting said player-exploitable game conditions. *While most game companies are diligent about locating and eliminating these player-exploitable game conditions, it is often very difficult for game designers, system managers, or others to locate all instances of the player-exploitable game conditions that provide one player an advantage considering the size of the virtual worlds in the game. Players who utilize these exploits often keep this information secret allowing them to take full advantage of these problems.* By monitoring portions of the play of all players, and logging the play of some

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expected cheating players, the game operators allow the cheaters to locate the player-exploitable game conditions, but reduce the damage that the cheaters can cause by using the player-exploitable game conditions." (Specification at paragraph [0052]).

[0008] Claims 17, 23, and 32 are similarly amended, and therefore are also supported by the Application.

[0009] Independent claim 17 is amended to recite an apparatus comprising, *inter alia*, "a computer program encoding a game including a cheater detection portion that identifies one or more player-exploitable game conditions and detects players who are exploiting at least one of said player-exploitable game conditions...wherein the cheater detection portion detects the players who are exploiting at least one of said player-exploitable game conditions by identifying the players whose rate exceeds the threshold." Support for the amendment can be found throughout the Application including, for example, the description wherein "[t]the game monitor process 302 acts to determine whether actions by certain players are reaching a threshold value that may be viewed as cheating." (Specification at paragraph [0027]).

[0010] Claim 32 is amended to recite, *inter alia*, "wherein the one or more player-exploitable game conditions comprise at least a rollover situation or a dupping situation ..." Support for the amendment can be found throughout the Application including, for example, original claims 36 and 37, which are cancelled herein without prejudice or disclaimer.

[0011] Claims 33, 38 and 39 are amended to maintain consistent language between the independent and dependent claims.

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[0012]   Accordingly, no new matter will be added by the paper. Entry to the file is respectfully requested.

Formal Matters

[0013]   This section addresses any formal matters (e.g., objections) raised by the Examiner.

Claims

[0014]   The Examiner objects to claim 41 for failing to further limit the subject matter of a previous claim. In particular, claim 41 is considered a "hybrid" type claim in which two separate statutory classes appear to be claimed (i.e., a computer readable medium... executing a method of...). (Office Action 12/10/2007 at p.2).

[0015]   Applicant respectfully submits that the Patent Office has endorsed the so-called "hybrid" type claim in many issued patents. In particular, the Patent Office addresses the "hybrid" type claim in the pending new rules, where the "hybrid" type claim shall be interpreted to claim a subject matter in a different statutory class over the statutory class for which the subject matter of the current claim is desired, and therefore shall be considered as an independent claim to pursue the subject matter in a separate statutory class. However, until the new rules are in effect, such a claim is a valid dependent claim. Accordingly, Applicant requests the objection be withdrawn.

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Substantive Matters

Claim Rejections under § 102

[0016] Claims 1, 3-7, 9-11, 13-23, and 25-41 are rejected under 35 U.S.C. §102(b) for being anticipated by "Security Issues in Online Games" by Jianxin Jeff Yan & Hyun-Jin Choi ("Yan"). Applicant respectfully traverses the rejections. In light of the amendment herein, Applicant also submits that these rejections are moot.

[0017] Independent claim 1, as amended, recites (Emphasis added):

1.   A method comprising:

monitoring players in a game, wherein the game is monitored only on a game server;

based on said monitoring, identifying one or more player-exploitable game conditions, *wherein the player-exploitable game conditions are referred to programming conditions, situations or aberrations produced within the game that give one or more cheating players an advantage without the cheating players hacking the game* and are identified by observing the players' play of the game;

setting a threshold against which the play of the players is compared, wherein the threshold is set based on a rate at which virtual property is acquired during the play and wherein the threshold is configured to be modified in real time; and

identifying, among the players, one or more cheating players who are exploiting the player-exploitable game conditions, *the identifying comprising comparing the rates at which the cheating players acquire the virtual property in the game against the threshold*, whereby the cheating players and player-exploitable game conditions are dealt with to prevent from further occurrence.

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[0018]   In rejecting claim 1, the Office took the position that Yan teaches "[identifying] comprising comparing the rates at which the cheating players acquire the virtual property in the game against the threshold...See also the *Ultima Online* example at page 130, section C-1, which provides further evidence of monitoring game play versus thresholds, where the thresholds are set based on game play (i.e., based on virtual property in the game, virtual money in the game, etc)..." (Office Action 12/10/2008 at p.4).

[0019]   Applicant respectfully traverses the rejections to claim 1. In particular, Applicant submits that the feature "identifying comprising comparing the rates at which the cheating players acquire the virtual property in the game against the threshold" is not taught or disclosed in Yan.

[0020]   Yan is directed to addressing some key security issues for online games and introducing security techniques to deal with cheating prevention. With respect to the online game *Ultima Online*, Yan teaches a built-in detection that "[defines] the buy-in frequency and buy-in amount per time, and then checks whether a buy-in behavior violates these predefined values before each buy-in is allowed." (Yan at p.130, section C-1). Applicant submits that the "pre-defined" frequency and amount in Yan is not intended to identify cheating players. Instead, these parameters in *Ultima Online* are used to **prevent** cheating behavior. Applicant herein submits that if the pre-defined parameters are effectively enforced in *Ultima Online*, the associated cheating behavior will not happen, therefore "identifying" the cheating behavior will not be necessary. In other words, enforcing the "defined parameters" in *Ultima Online* is one of the pre-emptive

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methods to prevent the cheating behavior from happening. These defined parameters, however, are not purported to "identify" the cheating behavior.

[0021] Yan also teaches tracking the rank in an online game (i.e., Bridge) as an effective part of the built-in detection to alert some kinds of potential cheating. "[T]hough alerts triggered by rank tracking may not be correct all the time, this approach narrows down a game operator's focus to only potential cheaters, and it saves time and cost." (Yan at p.130, section C-1). Again, Yan fails to teach "identifying comprising comparing the rates at which the cheating players acquire the virtual property in the game against the threshold" recited in claim 1. Instead, Yan teaches alert methodology that only "[narrows] down a game operator's focus..." Applicant respectfully submits that the "narrowing a game operator's focus" shall not be interpreted as "identifying" cheating behavior by any means. Accordingly, Yan does not teach the feature "identifying comprising comparing... against a predetermined threshold" in claim 1.

[0022] In light of the amendment to claim 1, applicant further submits that the rejections are moot. In particular, the amended feature "wherein player-exploitable game conditions are referred to programming conditions, situations, or aberrations produced within the game that give one or more cheating players an advantage without the cheating players hacking the game" is not disclosed in Yan either.

[0023] Referring to the Application, the "player-exploitable game conditions" are "programming conditions, situations or aberrations produced within a game that give one or more cheating players an advantage" that are difficult for game designers, system managers, or others to locate all instances of the player-exploitable game conditions in the game. In other words, these "player-exploitable game conditions" are inherently

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incorporated within the game; the cheating players need not hack the game to take an unfair advantage. For clarification purpose, claims 1, 17, 23, and 32 are amended to recite that the player-exploitable game conditions "[give] one or more cheating players an advantage **without the cheating player hacking the game**" or similar wording. (Emphasis added).

[0024] Applicant respectfully submits that the emphasized feature is not taught or disclosed in Yan. In rejecting claim 1, the Office held the position against claim 1 and indicated that Yan teaches in page 130 Section C-1 a popular item-duplication cheating and discusses that game behavior can be monitored by a built-in cheating detection. The context of the section shows that Yan is focused on built-in cheating detection when traditional security mechanisms are compromised due to hacker intrusions. ("While an intrusion detection system can be used to detect hackers that break into a system which hosts one online game or more, a cheating detection engine can be designed and implemented as one built-in component of each game software." Yan, Section C-1). Applicant reasonably assumes that the built-in cheating detection is used to prevent hacker intrusions.

[0025] With respect to player-exploitable condition that requires no hacker intrusions, Yan specifically provides that "the practical solution is to patch the bugs." ("Some online cheats exploit bugs or design flaws found in game software to get an unfair advantage. This category is the same as defined in Pritchard (2001) and the practical solution is to patch the bugs, though some may argue that good software engineering will provide a reasonable solution." Yan at Section B-11).

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[0026]   In other words, Yan considers player-exploitable conditions without hacking as "bugs or design flaws" and such design flaws should be corrected by a game patch. Accordingly, Yan is completely silent in identify player-exploitation of such conditions (e.g., the bugs or design flaws) through a built-in cheating detection.

[0027]   Therefore, amended claim 1 is respectfully asserted patentably distinct from Yan. Independent claims 17, 23, and 32, which are amended to incorporate similar features, are also asserted patentably distinct from Yan.
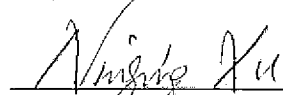
Dependent Claims

[0028]   In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant requests that the Examiner withdraw the rejection of each dependent claim where its base claim is allowable.

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CONCLUSION

[0029] All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action**. Please call/email me or my assistant at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC
Representatives for Applicant

Ningning Xu (ningning@leehayes.com; x226)
Registration No. L0293

Kayla D. Brant (kayla@leehayes.com; x242)
Registration No. 46,576

Customer No. **22801**

Telephone: (509) 324-9256
Facsimile: (509) 323-8979
www.leehayes.com

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